



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 18-099

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

The proposed rule meets the standard that is required to submit a petition under s. 227.26 (4), Stats., for expedited repeal of an unauthorized rule. An “unauthorized rule” is a rule for which an agency lacks the authority to promulgate the rule due to repeal or amendment of the law that previously authorized its promulgation.

In this case, the repeal of s. 779.14 (1s), Stats., in 2017 Wisconsin Act 59, removed all material regarding the requirement that the Department of Workforce Development (DWD) adjust thresholds for payment and performance assurance bond requirements. The proposed rule likewise removed all reference to DWD adjustment of thresholds for payment and performance assurance bond requirements. The proposed rule accordingly follows the Legislature’s intent to fully remove DWD authority to adjust thresholds for payment and performance assurance bond requirements.

4. Adequacy of References to Related Statutes, Rules and Forms

The “Petition for Review” section of the rule summary should reference s. 227.26 (4), Stats., instead of s. 227.26 (2) (b), Stats.